

REMARKS**Objections to the Specification**

In the Office Action dated October 21, 2005, the Examiner objected to the specification, explaining as follows:

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code (i.e. page 20 line 5). See MPEP § 608.01.

Applicant has amended the specification in order to remove the identified material. Accordingly, Applicant respectfully submits that the Examiner's objections have been fully overcome by these amendments.

Claim Rejections - 35 USC 103

In the Office Action, claims 3-4, 6, 9, 11-12, 14, 17, 19-20, 22, 25, 27, 28, 30, 34-35, 37, 41-42, 44, 48-49 and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,272,467 (Durand) in view of US Patent No. 5,848,396 (Gerace).

Claims 3, 11, 19, 23, 34, 41 and 48:

With respect to claims 3, 11, 19, 23, 34, 41 and 48, the Examiner asserted the following:

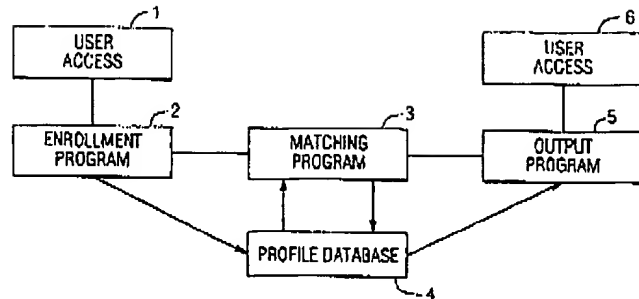
Regarding claims 3, 11, 19, 23, 34, 41 and 48, Durand discloses a method for a computer based advertising system, said method comprising the steps of: a first user taking a first test via a computer network where said first test includes having different options and expressing preferences based on those options (the system prompts a user to select options corresponding to the user's personal traits and the traits of the person he/she wants to meet, col 6 lines 29-33) storing said first user's preferences (3 preferences profile from the user is stored in a memory 18 in Fig. 2, col 6 lines 48-52); a second user taking a second test via a telecommunication network where said second test includes having different options and expressing preferences based on said options; storing said second user's preferences (the same to the first user applies since the system includes a plurality of users taking preferences tests); comparing said first user's preferences with said second user's preferences (the index of desirability calculated by the matching program 3 is then compared against the matching threshold (col 12 lines 49-51); and matching said first user with said second user according to said comparing (and a determination is made whether a potential match meets the basic level of compatibility to be matched with the user, col 12 lines 52-53).

The Claimed Invention:

Claims 27-62 have been canceled. Independent claims 3, 11 and 19 remain pending. As amended, the presently-pending claims relate to methods of matching first and second users based on users' visual preferences. Based on user visual preferences as selected in the course of a visual preference test administered to at least one user and information acquired from a second set of users, the first user is matched to one of the second users.

The Durand Reference:

The Durand Reference relates to an automated method for identifying matches between a set of predetermined traits and a set of preferences. The



method is described as being particularly useful for matchmaking, for matching candidates to residency programs and for matching job hunters with employment opportunities. The system of Durand provides an automated method for matching traits with corresponding preferences above a certain threshold of compatibility. The system of Durand utilizes two-way matching of selected criteria, which measures not only how compatible the potential match is with the desired traits of the user, but also how well the user fits the potential match's idea of the perfect match. Users of the system use touch-tone telephones to enter data into, and to respond to prompts from, the system over a telephone network. The system of Durand is not suitable for user input or data entry requiring any degree of visual interaction. Accordingly, the Examiner concedes that Durand does not specifically disclose:

1. a preferences test relating to visual images and
2. the Internet being the network of choice

Applicant fully agrees that Durand fails to disclose the above general concepts. Applicant respectfully submits, however, that Durand further fails to teach or suggest the following explicit limitations of the claims:

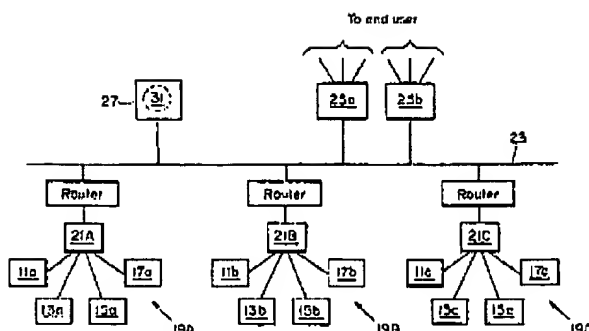
1. administering to a first user a first test via the Internet where said first test includes presenting a set of at least two visual images to said first user and receiving said first user's preferences based on said visual images
2. generating a profile of said first user according to the visual preferences of said first user
3. matching a first set of users to a second set of users according to visual preferences

While conceding the limitations of Durand, the Examiner asserts that Gerace discloses a method and apparatus for determining behavioral profile of a computer user comprising: creating a psychographic profile of the user based on the user preferences selected by that user and the user's preferences being recorded by the program. The Examiner further asserts that Gerace discloses both audio and video capabilities for a preferences monitoring, the Internet being the network of choice, as in claims 3, 11, 19, 27, 34, 41 and 48. The Examiner asserts that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Durand system by adding to it the capability of collecting and storing psychographic profiles of users based on selections of images that they view, in order to enhance user profile description.

The Gerace Reference:

Gerace discloses a computer network method and apparatus providing targeting of appropriate audience based on psychographic or behavioral profiles of end users. The psychographic profile is formed

by recording computer activity and viewing habits of the end user. The computer activity and viewing habits recorded relate to "agate" information, which is described as "time sensitive, 'reference information that is not read linearly.'" Subjects of interest in each category are reflected in the the psychographic profile, based on user viewing of information. Using this profile, advertisements are targeted to appropriately selected users. Based on regression analysis of recorded responses of a first set of users viewing the advertisements, the target user profile is refined. Viewing by and regression analysis of recorded responses of subsequent sets of users continually auto-targets and customizes ads for the optimal end user audience.



Durand and Gerace do not, even in combination, teach or suggest each of the recited limitations

Upon a review of Durand and Gerace, Applicant respectfully submits that Gerace does not cure the conceded deficiencies of Durand as relates to the pending claims. Neither Durand nor Gerace discloses the administration of a test to a first user wherein the first user is presented with specific visual images and prompted to express a preference. Neither reference discloses the use of visual preference data derived from a visual preference test to generate a visual preference profile. The description of Gerace makes clear that the system disclosed therein is designed to not interfere with the user's normal interaction with his or her computer. Accordingly, neither Durand nor Gerace teaches the administration of a specific test to a specific user to determine that user's subjective visual preferences. In addition, neither Durand nor Gerace discloses matching one user to another user based on a user's visual preferences. Accordingly, Durand and Gerace do not, either alone or in combination, teach each limitation recited in the amended claims.

Claims 4-10, 12-18 and 20-26

The allowability of claims 3, 11 and 19 have been discussed above. All other pending claims are dependent on one of claims 3,

11 and 19, and are allowable for the same reason as those claims from which they depend.

Fee Statement

The number of independent claims has been reduced by way of the present Response. The total number of claims has been reduced by way of the present Response. Accordingly, Applicant believes no additional fees are due with this Response. If additional fees are due or an overpayment has been made, please debit or credit our deposit account, Account No. 03-1130.

Conclusion

In view of the foregoing, the Examiner is respectfully requested to allow the claims presented for consideration herein. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 23rd day of January, 2006.

Respectfully submitted:



Lawrence R. Youst
Reg. No. 38,795
Danamraj & Youst, P.C.
Premier Place, Suite 1450
5910 North Central Expressway
Dallas, Texas 75206
Tel 214.363.4266
Fax 214.363.8177